

Meeting

Planning Committee B

Date and time

Tuesday 18th April, 2023

At 7.00 pm

Venue

Hendon Town Hall, The Burroughs, London NW4 4BQ

To: Members of Planning Committee B (quorum 3)

Chair: Councillor Claire Farrier

Vice Chair: Councillor Arjun Mitra

Councillors

Nick Mearing-Smith

Peter Zinkin

Gill Sargeant

Tony Vourou

Substitute Members

Richard Barnes

Joshua Conway

Michael Mire

Nagus Narenthira

Danny Rich

Tim Roberts

You are requested to attend the above meeting for which an agenda is attached.

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Thursday 13 April 2023 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

Andrew Charlwood – Head of Governance

Assurance Group

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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Order of Business

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 16
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	34 West Avenue, London, NW4 2LJ - 22/0022/RCU - Hendon	17 - 32
7.	Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE - 21/1717/FUL - East Barnet	33 - 46
8.	10 Pennine Drive, London, NW2 1PB - 22/1027/FUL - Cricklewood	47 - 62
9.	34 Ravenscroft Avenue, London, NW11 8AU - 22/3812/FUL - Childs Hill	63 - 80
10.	Any item(s) that the Chair decides are urgent	

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Decisions of the Planning Committee B

21 February 2023

AGENDA ITEM 1

Members Present:-

Councillor Claire Farrier (Chair)
Councillor Arjun Mittra (Vice-Chair)

Councillors:

Councillor Nick Mearing-Smith	Councillor Tony Vourou
Councillor Gill Sargeant	Councillor Joshua Conway

1. MINUTES OF THE LAST MEETING

The minutes of the previous meeting held on 23 January 2023 were deferred until the next meeting.

2. ABSENCE OF MEMBERS

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

Cllr Conway declared an interest in that he had called in both items 13 and 14 as ward councillor.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

6. 84 WEST HEATH ROAD, NW3 7UJ- 22/0228/FUL - CHILDS HILL

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Tim Waters who spoke in objection to the application.

The Committee received verbal statement from Wiemer Kuik in support of the application, as read out by the Governance officer.

The Committee received a verbal representation from ward councillor Cllr Innocenti who spoke in objection to the application.

The Committee received verbal a representation from Stuart Minty, the Agent for the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application as set out in the report.

Votes were recorded as follows:

For (Approval): 2

Against (Approval): 4

Abstention: 0

Not present: 0

RESOLVED that the application not be approved.

Councillor Mitra, seconded by Councillor Sargeant moved a motion to refuse the application for the following reasons:

-The proposed development, by reason of its excessive size, height, scale and massing, would be visually discordant and detrimental the to the character and appearance of the streetscene and wider locality, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), Policy D3 of the London Plan 2021, and the Adopted Residential Design Guidance SPD (2016).

-The proposed development does not include a formal undertaking for submission of a Travel Plan, Section 184 Agreement or Local Employment Agreement or to meet the costs of monitoring the Travel Plan, contribution to carbon off-set fund or agreement monitoring fee. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS13 of the Local Plan Core Strategy (adopted September 2012), policies DM04, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014), the Sustainable Design and Construction SPD (adopted October 2016) and the Planning Obligations SPD (adopted April 2013).

The committee unanimously agreed the reasons for refusal.

Votes on the motion to refuse for the reason outlined above were recorded as follows:

For (Refusal): 4
Against (Refusal):2
Abstention:0

Therefore, the application was **REFUSED**.

RESOLVED that the application be **REFUSED** for the following reasons:

-The proposed development, by reason of its excessive size, height, scale and massing, would be visually discordant and detrimental to the character and appearance of the streetscene and wider locality, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), Policy D3 of the London Plan 2021, and the Adopted Residential Design Guidance SPD (2016).

-The proposed development does not include a formal undertaking for submission of a Travel Plan, Section 184 Agreement or Local Employment Agreement or to meet the costs of monitoring the Travel Plan, contribution to carbon off-set fund or agreement monitoring fee. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS13 of the Local Plan Core Strategy (adopted September 2012), policies DM04, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014), the Sustainable Design and Construction SPD (adopted October 2016) and the Planning Obligations SPD (adopted April 2013).

7. FORMER SITE OF PUBLIC CONVENIENCES, JUNCTION OF GREAT NORTH ROAD/STATION ROAD, EN5 1ET - 22/2716/FUL - BARNET VALE

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from Councillor David Longstaff who spoke in relation to the application.

The Committee received a verbal representation from the Architect, George Kythereotis on behalf of the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Councillor Mittra proposed, Councillor Sargeant seconded an amendment to condition 8: "Notwithstanding the provisions of Schedule 3 of the Town and Country Planning (Control of Advertisement) Regulations 2007, as amended, no advertisement displays or structures shall be displayed inside the building or on the external elevations of the building.

Votes on this amendment were recorded as follows:

For (Approval): 5

Against (Approval): 1
Abstention: 0

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 5
Against (Approval): 1
Abstention: 0

RESOLVED that the application was APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

8. CATON, 100 TOTTERIDGE LANE, N20 8JG - 22/2589/HSE - TOTTERIDGE & WOODSIDE

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Marysol Elimer who spoke in objection to the application.

The Committee received verbal representations from the Agent, Malcom Clark for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 5
Against (Approval): 0
Abstention: 1

RESOLVED that the application was APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

*The Chair requested the meeting be adjourned for the purposes of a break at 9.16pm.

*The meeting continued at 9.22pm

9. 40 CORRINGHAM ROAD, NW11 7BU - 21/6722/HSE - CHILDS HILL

The report was introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from the Mary Crowley and Peter Lusher who spoke in objection of the application.

The Committee received a verbal representation from the Agent, Kevin O'Connor for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 2

Against (Approval): 3

Abstention: 1

RESOLVED that the application not be approved.

Councillor Sargeant, seconded by Councillor Vourou moved a motion to refuse the application for the following reasons:

The proposed development, by reason of its excessive size and scale, when considered cumulatively with existing extensions to the property, would represent an overdevelopment of the site which would be detrimental the character and appearance of the property and wider locality, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), Policy D3 of the London Plan 2021, and the Adopted Residential Design Guidance SPD (2016).

The committee unanimously agreed the reasons for refusal.

Votes on the motion to refuse for the reason outlined above were recorded as follows:

For (Refusal): 3

Against (Refusal):2

Abstention:1

Therefore, the application was **REFUSED**.

RESOLVED that the application was REFUSED for the following reasons:

- The proposed development, by reason of its excessive size and scale, when considered cumulatively with existing extensions to the property, would represent an overdevelopment of the site which would be detrimental the character and appearance of the property and wider locality, contrary to policies CS1 and CS5 of Barnet's

Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), Policy D3 of the London Plan 2021, and the Adopted Residential Design Guidance SPD (2016).

The Chair exercised her discretion to continue the meeting until 10:30pm. The Committee was in agreement.

10. 69 ENGEL PARK, NW7 2HN - 22/0880/HSE - MILL HILL

The report was introduced, and slides presented by the Planning Officer.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

Therefore, the application was **APPROVED**.

RESOLVED that the application was APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

11. 259 WEST HENDON BROADWAY, NW9 7DJ - 22/2697/RCU - WEST HENDON

The report was introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from ward councillor, Cllr Rishikesh Chakraborty who spoke in objection of the application.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 5

Against (Approval): 1

Abstention: 0

Therefore, the application was **APPROVED**.

RESOLVED that the application was **APPROVED** subject to conditions **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

12. 51 BOYNE AVENUE, NW4 2JL - 22/5572/HSE - HENDON

The report was introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from the Applicant, Samuel Epstein.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to refuse the application for the reasons set out in the report.

Votes were recorded as follows:

For (Refusal): 2

Against (Refusal): 3

Abstention: 1

Therefore, the application was **APPROVED**.

Councillor Mearing Smith, seconded by Councillor Conway moved a motion to approve the application for the following reasons:

Members of the committee considered that, given the presence of large dormer extensions locally, the development would not be out of keeping with the character or appearance of the wider area.

The committee unanimously agreed the reasons for approval.

Votes on the motion to approve for the reason outlined above were recorded as follows:

For (Approval): 3

Against (Approval): 1

Abstention: 2

Therefore, the application was **APPROVED**.

RESOLVED that the application was approved for the following reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

4D-238A E 01 Existing floor plans

4D-238A P 01 Proposed floor plans
4D-238A E 02 Existing loft and roof plans
4D-238A P 02 Existing loft and roof plans
4D-238A E 03 Existing front and rear elevations
4D-238A P 03 Proposed front and rear elevations
4D-238A E 04 Existing side elevations
4D-238A P 04 Proposed side elevations
4D-238A E 05 Existing sections
4D-238A P 05 Proposed sections
4D-238A E 06 Existing front isometric view
4D-238A P 06 Proposed front isometric view
4D-238A E 07 Existing rear isometric view
4D-238A P 07 Proposed rear isometric view
4D-238A E 00 Block and location plans

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing 49 Boyne Avenue.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

13. 23 RAVENHURST AVENUE, NW4 4EE - 21/0746/FUL – HENDON

The report was introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from the Applicant, David Goldberg.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to refuse the application as set out in the report.

Votes were recorded as follows:

For (Refusal): 3

Against (Refusal): 2

Abstention: 1

Therefore, the application was **REFUSED**.

RESOLVED that the application was REFUSED AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice- Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

14. 5 MARLBOROUGH AVENUE, HA8 8UH - 22/2437/HSE - EDGWAREBURY

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from the Applicant, Mr Patcas

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to refuse the application as set out in the report and addendum.

Votes were recorded as follows:

For (Refusal): 1

Against (Refusal): 3

Abstention:2

RESOLVED that the application be approved.

Councillor Mearing Smith, seconded by Councillor Conway moved a motion to approve the application for the following reasons:

Members of the committee considered, on balance, in these particular circumstances, that the harm to the amenities of neighbouring occupiers and the character and appearance of the property, is outweighed by the personal circumstances of the applicant.

Proposed conditions:

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

Pre-existing Plans: EX-P001, EX-P002, EX-P003, EX-P004, EX-E001, X-E002, EX-S001, dated January 2021.

As built plans: PR01, PR02, PR03, PR04, PR05, PR06, dated January 2022

Proposed plans: 112A P01, 112A P02, 112A P03, 112A P04, 112A P05, 112A P06, dated 01.04.2022

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2.The development shall be implemented in accordance with the hereby approved plans within 4 months from the date of this permission.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

3.The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4.Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time in the side elevation facing No.7 Marlborough Avenue

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5.The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

6. Before the building hereby permitted is first occupied the proposed doors and windows in the side elevation facing 3 Marlborough Avenue shall be glazed with obscure glass only up to a point 1.7m above internal floor level and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative 1: Failure to comply with condition 2 will result in further enforcement action.

The committee unanimously agreed the reasons for approval.

Votes on the motion to approve for the reason outlined above were recorded as follows:

For (Approval): 3

Against (Approval): 1

Abstention: 2

Therefore, the application was **APPROVED**

RESOLVED that the application be APPROVED for the following reasons:

Proposed conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Pre-existing Plans: EX-P001, EX-P002, EX-P003, EX-P004, EX-E001, X-E002, EX-S001, dated January 2021.

As built plans: PR01, PR02, PR03, PR04, PR05, PR06, dated January 2022

Proposed plans: 112A P01, 112A P02, 112A P03, 112A P04, 112A P05, 112A P06, dated 01.04.2022

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. The development shall be implemented in accordance with the hereby approved plans within 4 months from the date of this permission.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time in the side elevation facing No.7 Marlborough Avenue

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

6. Before the building hereby permitted is first occupied the proposed doors and windows in the side elevation facing 3 Marlborough Avenue shall be glazed with obscure glass only up to a point 1.7m above internal floor level and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative 1: Failure to comply with condition 2 will result in further enforcement action.

15. ANY ITEM(S) THAT THE CHAIR DECIDES ARE URGENT

None.

The meeting finished at 10.30pm

Location 34 West Avenue London NW4 2LJ

Reference: 22/0022/RCU

Received: 5th January 2022

Accepted: 7th January 2022

Ward: Hendon

Expiry: 4th March 2022

AGENDA ITEM 6

Case Officer: Helen McGuinness

Applicant: Mr Lipi Werjuka

Proposal: Retention of the use of ground floor, first floor and land to the rear of No 34 West Avenue as part of existing school use at No 27 Green Lane; Associated internal alterations; Siting of modular building and erection of canopy to the rear of No 34 West Avenue. (AMENDED DESCRIPTION).

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development results in the loss of residential accommodation and fails to provide any evidence to robustly demonstrate that the proposal meets an identifiable need, to the detriment of the prevailing character of the local area and residential amenities of neighbouring occupiers, contrary to Policies DM01, DM07 and DM13 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Policies H8 and S3 of the London Plan (2021)
- 2 The change of use has resulted in a harmful increase in noise, disturbance and disruption to neighbouring residents through associated general activity and constitutes an over-intensive use that contributes towards a change in the function and character of the street and is incongruous to the established pattern of development, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01, DM04 and DM13 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016)

- 3 The outbuilding, by reason of its size, design, height, bulk and siting, would result in an unduly dominant and discordant addition representing a disproportionate and unsympathetic over-development of the limited curtilage and an incongruous intervention in a visible location which would fail to respect the established pattern of development, to the detriment of the character and appearance of the host property, the street scene of Green Lane and the surrounding area, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012) Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Policy D3 of the London Plan (2021)

- 4 The outbuilding, by reason of its size, height, siting and proposed use, would appear visually overbearing when viewed from the neighbouring property, No. 32 West Avenue, resulting in a harmful loss of outlook and increased sense of enclosure together with undue noise and disturbance, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policy CS1 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM04 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Existing Ground Floor Plan: WA.34.EX.101 Rev 0

Existing First Floor Plan: WA.34.EX.111 Rev 0

Location Plan: 0100031673Design and Access Statement (produced by EAPanning; dated Dec 2021)

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the corner of Green Lane and West Avenue Road, it is visible on both street fronts as it is a corner property. The site is located within Hendon ward.

The site sits within an area primarily comprising of residential living. There are other schools located within close proximity such as Hendon school and the independent Jewish Day School.

The A502 is not far from the site, which serves a high street with access to various amenities. The site is a two-storey building and is enclosed.

The application site is not located within a conservation area, nor does it contain any listed buildings.

2. Relevant Planning History

Ref: ENF/1143/21

Complaint: Without Planning Permission, the change of use of an outbuilding to use as a pre-school nursery.

Date: 18th September 2021

Ref: ENF/1277/21

Complaint: Without Planning Permission, the use of the property as classrooms and a toilet block in conjunction with the neighbouring educational facility at 27 Green Lanes and the construction of a building to the rear of the site for use as a classroom (with attached Perspex roof).

Date: 1 November 2022

Ref: ENF/01232/08

Complaint: Without planning permission the erection of a wall, adjacent to a highway, greater than 1m in height within the last four years.

Date: 1st October 2008

Reference: F/04968/08

Address: 211 Golders Green Road, London, NW11 9BY

Decision: Refused

Decision Date: 1 April 2009

Description: Retention of the use of the property as a school.

Reference: F/03652/09

Address: 211 Golders Green Road, London, NW11 9BY

Decision: Insufficient Fee

Decision Date: No Decision Made.

Description: Change of Use of Ground and First Floors from Class C3 (residential) to D1 (Synagogue.), Extension to roof including hip to gable end and side/rear dormers to create a residential unit in the loft space. Internal Alterations.

Ref: ENF/00867/03/C

Complaint: Use of property as a school

Date: 8th July 2003

3. Proposal

This application seeks planning permission for the retention of the use of ground floor, first floor and land to the rear of No 34 West Avenue as part of existing school use at no 27 Green Lane, associated internal alterations; siting of modular building and erection of canopy to the rear of No 34 West Avenue (Amended Description).

The site and the erection of the modular building are contained on site and in use, on the 1 November 2022 the owner of the site was served a Planning Contravention Notice (Ref: ENF/1277/21). The complaint was, 'Without Planning Permission, the use of the property as classrooms and a toilet block in conjunction with the neighbouring educational facility at 27 Green Lanes and the construction of a building to the rear of the site for use as a classroom (with attached Perspex roof)' the agent subsequently responded on the 21 November 2022 address all the items asked within the notice.

It is noteworthy that the property was previously used as self-contained flats, and one such flat remains in use on the property. Additionally, the present internal layout commenced use in July 2022, and the agent seeks planning permission to retain the use as per the drawing attached to the application (Ref: Existing ground floor drawing no. WA.34.EX.101 Rev.0).

4. Public Consultation

Consultation letters were sent to 81 neighbouring properties.

66 responses have been received, 64 which are supporting the application, they are summarised below:

- Shortage of girls primary schools within walking distance of the Jewish community.
- Having a school within walking distance reduces car congestion and unwanted pollution.
- Educational offering is good.
- The additional space is important to enable continued growth of the local Jewish Orthodox
- A great school that needs expansion, and one of the only schools within walking distance of the Jewish community.
- The only orthodox Jewish school within the vicinity of an established Jewish community.
- The school does have a long-term plan for premises and this location will only be used for the short term.
- Being able to walk to school boosts the children's moral and we as health and gives them a chance to enjoy the outside world.
- The school is considerate to its surroundings, having additional space would benefit both pupils and staff.

1 letter of objection has been received as summarised below:

- The loss of a garden, trees and bushes.
- The loss of 6 residences in a residential area.
- The increased noise from the school. There are people working from 6am on weekdays and very often on Sundays.
- There are, at least, 8 purpose-built schools within walking distance.
- The traffic in the immediate area is at a standstill every day at schooltime. This leads to increased noise and pollution. Drivers are aggravated and impatient and horn blowing is a real nuisance.
- Most of the children at 27 Green Lane are driven to school and the parking suffers because of this. There are double yellow lines on the corners of West Avenue, but there are cars parked there daily, just to let children alight as near as possible to the entrance. This is extremely dangerous for pedestrians and other road users. They also stop in the road and park in residents' driveways.
- I also believe that the way they treated and continue to treat the local residents shows that they have no interests apart from their own.

4.1 Internal consultees

The Highways and Environmental Health departments were consulted on the application.

Environmental Health responded:

No objections subject to below conditions and informatives.

Noise from site as classroom (bespoke)

Before development commences, a scheme of proposed mitigation measures for noise from the classroom shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: To ensure that the amenities of occupiers are not prejudiced by noise in the immediate surroundings.

C245 #INSULATION AGAINST INTERNALLY/EXTERNALLY GENERATED NOISE
I402 Acoustic Consultant to be used

If the proposed development will include air handling plant:

C440 RESTRICT NOISE FROM PLANT
I402 ACOUSTIC CONSULTANT TO BE USED

Highways responded:

This application is for the retention of the ground floor flat and modular building which accommodate a school.

The proposed retention is not expected to have a significantly detrimental impact on the surrounding public highway and I therefore have no objection to the proposed on highways grounds.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and

supersedes the previous Plan.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS1, CS5, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM13, DM17

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is considered acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents and;
- Whether harm would be caused to the local highways network and car parking

5.3 Assessment of proposals

Principle of development

The site is situated in an accessible location with access to other schools such as the Hendon School and the Independent Jewish Day School in proximity. The site is not located within a town centre, but rather a predominantly residential area.

Policy DM07: Protecting housing in Barnet states that: loss of residential accommodation will not be permitted unless:

- (a) The proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - (b) Where need can be demonstrated and;
 - (c) The demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- (d) The location is no longer environmentally suitable and viable for residential use
- or;
- (e) It involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM13: Community and education uses specifies:

b: New community or educational use

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

The London Plan (2021)

Policy H1- Sets new housing delivery targets for London LPA's for a ten-year period. The London Borough of Barnet's ten-year housing delivery target for period 2019 to 2029 is 23,640. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required.

Policy H8(A) - Loss of existing housing and estate redevelopment states the the 'loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace'.

With regards to the loss of the residential use, policy DM07 seeks to protect housing in Barnet. In that respect the loss of existing housing will normally be resisted. The proposal is to expand the existing F1 use across the building, which involves the change of use from C3 residential use to class F1 (former D1 Educational use).

It is acknowledged that the criteria listed in DM07 parts a-c are not alternatives, but rather a proposed change of use would be required to meet all of the criteria and be acceptable.

The applicant has not appropriately demonstrated that the proposed change of use would not be detrimental to the residential amenity of the occupier of the first floor flat or surrounding residential dwellings. The applicant has not provided significant information as to whether the proposed use cannot be met elsewhere. Therefore, in the absence of the information officers are unable to determine if the proposal will comply with DM07.

Although to provide for an expansion of the established local education facility in the adjoining property, the applicant has not provided sufficient evidence to suggest that the site is no longer suitable for residential use, and as the road is predominantly characterised by residential dwellings, the Council would strongly resist the loss of housing in accordance with section d) of the policy. Furthermore, the site is not part of a wider regeneration scheme and therefore fails against section e) of the policy.

Additionally, the LPA point to a similar case at 211 Golders Green Road which resulted in a refusal of permission and an appeal proceeding this outcome. The planning inspector dismissed the appeal with specific reference to housing supply stating the following:

'There is no dispute that the appeal site has previously been used for residential purposes. It might also be the case, on the evidence of the appellant's expert planning witness, that properties front this busy main road are no longer attractive as single family dwellinghouses. Nevertheless, despite the presence of non-residential uses hereabouts, the amount of residential uses, in the form of flats and other types of residential accommodation, remains substantial. There would be nothing inherently unsuitable about the nature of the property or its location that would significantly detract from its capabilities of continuing in residential use.'

Furthermore, London Borough of Barnet v Adler & Ors | [2009] EWHC 2012 (QB) | England and Wales High Court (Queen's Bench Division) demonstrates that the High Court were prepared to grant an injunction to the development based on the statements as submitted by the planning inspectorate for the aforementioned case at 211 Golders Green Road.

The council consider that the application site is still considered a viable residential dwelling

and/or dwellings, further demonstrated by the continued occupation of a resident at No. 34 West Avenue as per the enforcement investigation (ENF/1277/21).

No replacement residential accommodation is proposed.

The applicant has therefore provided insufficient information in justifying the loss of the residential unit contrary to policy DM07 of the Adopted Barnet Development Management Policies DPD (2012) and H8 of the London Plan (2021).

Furthermore, insufficient information has been provided to demonstrate the need of the school expansion in the current location. Notwithstanding the current occupation of the site, the applicant has not provided evidence of any works carried out to demonstrate the school can only be provided in the current location therefore contrary to DM13.

It is therefore considered that the advantages of the above expansion of the school does not outweigh the harm caused in the context of the surrounding residential area and the loss of residential housing as noted in the body of this assessment.

Impact on the character of the area

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. The retention of the modular building used as a classroom is considered to have an impact on the street scene on Green Lane, additionally the character and pattern of development that exists within the area does include some outbuildings to rear of properties however based on the location of the application site it is considered to be incongruous.

Barnet's Residential Design Guidance (2016) under Paragraphs 14.40 and 14.41 states that outbuildings should not be too large or significantly reduce the size of the garden to become out of character with the area. Also, the design and materials should be in harmony with the surrounding area and the location of the outbuilding should be situated towards to the rear of the properties.

The rear outbuilding measures 6.00 metres in depth, width at 7.3 metres and is a maximum height of 3.2 metres from ground level. The outbuilding has a footprint of 42sqm. The outbuilding is currently in use as a mobile classroom in conjunction with the main building at No. 27. Site images indicate a canopy has been erected over the rear entrance of no.34 linking to the entrance of the existing outbuilding. The rear canopy measures approximately 1.97 metres in depth from the rear elevation and 3.6 metres in width.

Having reviewed the existing development, it is considered, by reason of its size, bulk, scale and location within the curtilage, that the outbuilding represents in an incongruous

form of development, contributing to the overdevelopment of the site and harmfully reduces amount of the available rear amenity space to the detriment of the character of the existing site.

Having reviewed the character of the wider area it is noted that no similarly sized outbuildings are existing. The current outbuilding at no. 34 West Avenue is visible when viewed from Green Lane given its location directly rearward of the property. As such, the existing outbuilding is not considered to conform with the prevailing pattern of development in the wider area and has a deleterious impact on the street scene and surrounding area.

In light of the above, it is clear that the existing outbuilding is not an acceptable addition to the character of the existing property and wider area and thus fails to comply with the policies and expectations outlined in Policy DM01.

Furthermore, officers consider the proposed conversion of the house and use of the outbuilding as a classroom to be unacceptable when considered in the context of the surrounding residential area. The proposed classroom is located to the rear of no.34 which retains a first floor flat. As such, the proposed use of the outbuilding, by virtue of its siting, will harmfully increase noise, disturbance, and disruption to neighbouring residents through associated general activity in an area more used to single family dwellings - and together result in an over-intensive use that will have an adverse effect on residential amenity contrary to Policy DM01.

The proposed canopy by virtue of its scale and location is not thought to result in harm to the character and appearance of the host dwelling, street scene and wider locality.

Impact on the amenities of neighbours

Despite having been mostly converted already, No. 34 West Avenue remains occupied by one self-contained unit on the first floor, therefore in residential use. The proposal seeks to retain the use of the ground floor of no. 34 as a school and first floor as offices used in conjunction with the school - in addition to the proposed outbuilding and canopy to the rear of the application site.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3 and D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'.

Paragraph 130 of the NPPF states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

Outbuilding:

Barnet's Residential Design Guidance (2016) under Paragraphs 14.40 and 14.41 states that outbuildings should not unduly over-shadow neighbouring properties and unduly affect outlook from an adjoining property's habitable rooms of principal garden areas.

On review of the submitted information it is clear that, by reason of the size, height and siting of the existing outbuilding, it is considered to result in a visually obtrusive feature, detrimental to the outlook and sense of enclosure from the constrained rear amenity space at no. 32. West Avenue.

The existence of the outbuilding and the associated change of use also extinguishes the utility of the rear garden as amenity space for the remaining occupier(s).

Change of use:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy D14 (Noise) of the London Plan (2021) states:

A- In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Officers note the proposed retention of the use results in primarily internal changes, however the intensification of the use of the property as a school would result in a heightened level of coming-and-going and associated activity at the site.

The proposed classroom and WC use is located directly below the residential unit retained within No 34, in addition to the proposed offices used in conjunction with the school located on the first floor surrounding the flat.

Environmental Health Officers have been consulted and in the PCN response the agent advised that there was sound insulation during construction works.

The details of the sound insulation have not been provided, as per Environmental Health's

recommendation. In the absence of that information, the authority is unable to determine if the proposal will result in undue harm to the amenity of the neighbouring occupiers, contrary to DM04 and D14 - however, the configuration, proximity and intensity of use is considered likely to be detrimental.

Highway Impacts

Paragraph 111 of the National Planning Policy Framework (2021) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

The Local Highway Authority have been consulted on the application and assess that the proposed retention is not expected to have a significantly detrimental impact on the surrounding public highway and therefore raise no objection on highways grounds

5.4 Response to Public Consultation

The points raised in the submitted objection have been addressed in the above report.

The application received supporting comments from the existing school community. Even though the additions proposed to be retained will only be temporary as many suggest in their comments, this does not form the basis of the proposal and so should be assessed in the same manner as something that will be retained permanently.

The agent provided a response to a PCN issued by Planning Enforcement (Ref: ENF/1277/21), stating that the flats that did exist did not have planning permission but are lawful through the passage of time under Section 171(B) of the Act in regard to the 4 year rule - and therefore, should be given lesser importance than purpose built flats.

However, the existing school at 27 Green Lane was established on the same basis. In both these instances, the LPA is obliged to apply the same planning process as it would to any other lawful development.

The London Plan (2021) Policy H1 - Increasing Housing Supply. This policy sets new housing delivery targets for all London Boroughs. The London Borough of Barnet's ten-year housing delivery target for period 2019 to 2029 is 23,640. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required. This policy prioritises sites within certain locations, including sites within 800 metres of a train station.

Although, new development would be subject to contemporary standards as set out in the Development Plan, the LPA have a policy position to resist the loss of any kind of established housing - either through planning permission or through the passage of time.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

The proposal relates to the needs of children and comprises a religious aspect which would fall within protected groups (age and religion) and it is acknowledged that the proposals would benefit those groups by providing additional space to facilitate the established school. Testimonial evidence as to the benefit of the school to the community has been provided.

This need has been taken into account however, with particular regard to the absence of a robust approach to determining the location and the case law history on the matter of the residential use, it is not considered that the proposal as submitted represents the only, or most appropriate way to realise or apportion the space required to meet this expansion. On that basis, it is not considered that sufficient weight can be prescribed to the circumstances such as to outweigh the harm to character and amenity - as identified in the preceding appraisal.

On that basis, the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

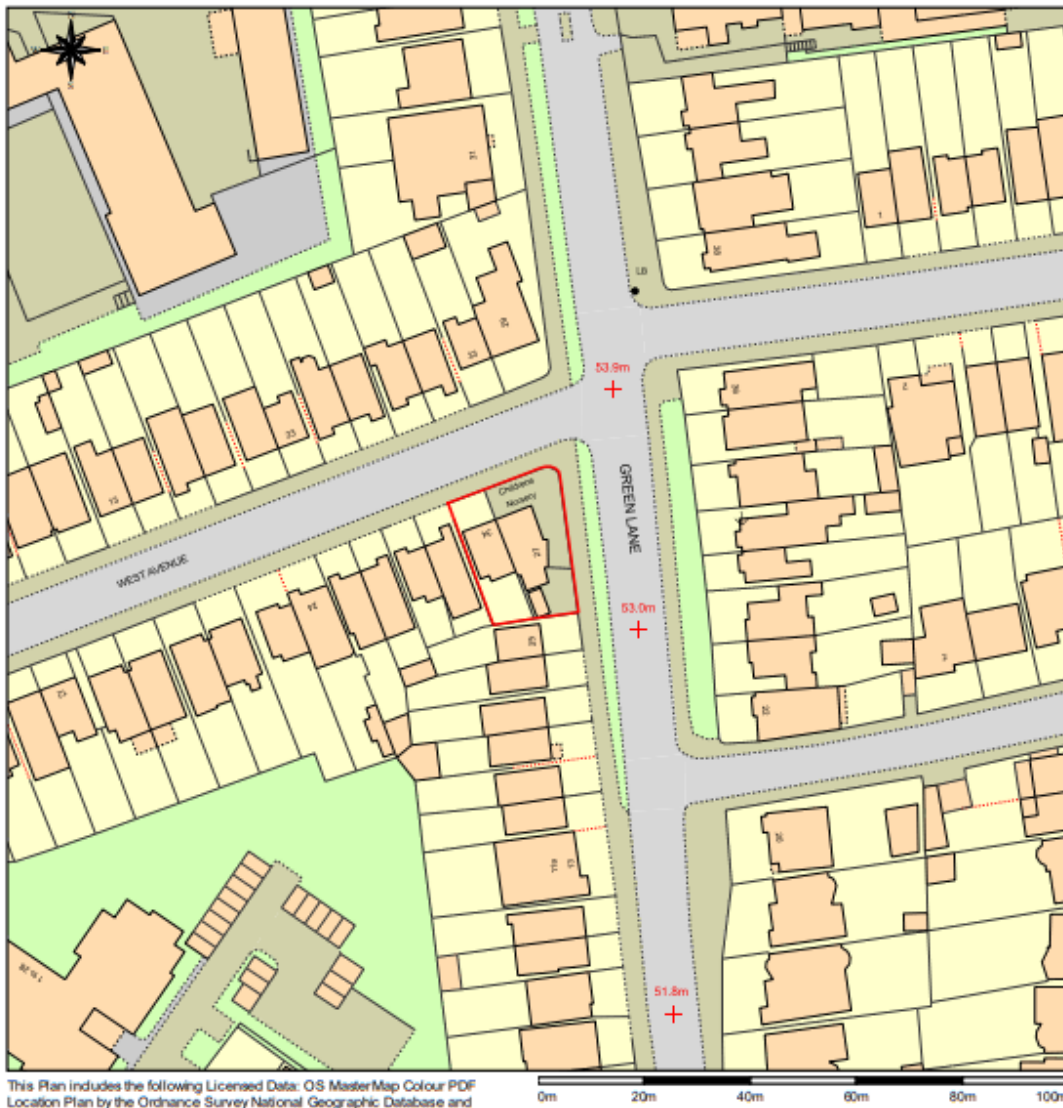
Having taken all material considerations into account, it is considered that the development would have an adverse impact on the character of the area, which is primarily characterised by residential dwellinghouses.

The proposal will result in the unacceptable loss of a residential dwelling contrary to policy DM07. The proposed outbuilding by reason of its design, scale and siting would constitute an overly dominant addition which will fail to respect the established character and

appearance of the area and of the host property, appearing imposing from the streetscene. The proposal will result in an adverse impact on the amenities of neighbouring occupiers.

The development is therefore contrary to Policies D1, D3, D4, D14, H1, H2 and H8 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM02, DM04, DM07 and DM13 of the LB Barnet: Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016).

This application is recommended for REFUSAL.



Location **Jewish Community Secondary School Castlewood Road Barnet
EN4 9GE**

AGENDA ITEM 7

Reference: **21/1717/FUL** Received: 26th March 2021

Accepted: 29th March 2021

Ward: East Barnet Expiry 24th May 2021

Case Officer: **Zakera Matin**

Applicant: Mrs Sarah Wood

Proposal: Installation of floodlights on the Multi Use Games Area

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. JCoSS Travel Plan Heads of Terms should include:

-S106 contribution of £5k towards travel plan monitoring.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

UKS15341/5,
UKS15341/6,
HIL33018L,
3237/P03 Rev J,
Site Location Plan,
Technical Specification for Floodlighting,
Technical Report,
Bat Survey Report,
E-mail from agent dated 13, 14, 18 th May 2021, 23 of June 2021.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The proposal hereby approved shall be implemented accordind to approved Bat Survey Report.

A lighting strategy must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and

Construction SPD (adopted October 2016).

- 4 The maximum number of people on the site at any one time, outside school hours, in connection with the development hereby approved shall be 150.

Reason: To ensure that traffic impacts on the surrounding highway network are managed in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 Lighting levels emitted from the floodlighting columns shall be in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Cowling to be fitted on all lights and tilt angles are kept as per approved design.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

- 6 The floodlighting hereby approved shall not be used after 9pm on Mondays to Fridays or after 6pm on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD 2012.

- 7 A three-year post-construction bat monitoring plan should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 a) No site works or works in connection with the development hereby approved shall be commenced until details of Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

- 9 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan and Event Management Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

- b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 0 That if an agreement has not been completed by 01/08/2023 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 21/1717/FUL under delegated powers for the following reasons:

The development fails to provide a legal undertaking to provide travel plan and contribution towards the associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

The application is forwarded to committee because of number of objections received.

1. Site Description

The site relates to Jewish Community Secondary School. The site as a whole extends to a total area of approximately 7 hectares (17.3 acres). It is designated as Metropolitan Open Land (MOL). To the north of the site lies the Monken Hadley Common/Hadley Woods which are designated as a Site of Borough Importance for Nature Conservation (Grade I) and fall within the Green Belt. To the west, the site is bounded by the GNER mainline railway line and to the east by Pymmes Brook and Livingstone Primary School. Pymmes Brook is identified within the Local Development Framework (2012) as a Site of Borough Importance (Grade II) and an important Green Chain. To the south the site is bounded by properties in Hertford Road, Hertford Close, Westbrook Square and Westbrook Crescent. The properties form part of the Bevan Estate which was built in the 1950's and are predominantly two storey semi-detached houses.

The site is not within a conservation area.

The Multi Use Games Area is sited to the east of the school building. Residential properties are located on the south of Multi Use Games Area and separated by existing car park area.

2. Site History

Reference: 21/1721/FUL

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE

Decision: Approved subject to conditions

Decision Date: 21.06.2021

Description: Construction of 1no. temporary mobile building for use as classrooms

Reference: 19/6855/FUL

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Pending Decision
Decision Date: 13.07.2020 (Committee approved subject to S016 agreement on Travel Plan)
Description: Erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure.

Reference: 16/3884/FUL
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 14.09.2016
Description: Erection of 2no single storey portacabin to provide a total of 4 additional classrooms for a period of 2 years.

Reference: 16/3500/S73
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 1 August 2016
Description: Variation of condition 2 (Plan numbers) of planning permission B/02762/13 dated 02/09/13 for `Erection of changing rooms to the northwest corner of the playing fields` variation to include removal of canopy and covered deck area, replacement of curved roof with composite panel mono pitched roof structure, replace brickwork with vertically hung cedar planks

Reference: B/05671/14
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 10 December 2014
Description: Extension to wing D at second floor above the Sports Hall, to provide 5 new classrooms and associated circulation and storage areas.

Reference: B/02762/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 2 September 2013
Description: Erection of changing rooms to the north west corner of the playing fields.

Reference: B/04472/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 16 October 2013
Description: Non-material amendment to planning permission B/01549/13 dated 13/06/2013. Amendments include flat aluminium panels in place of louvres to glazed facade of south elevation.

Reference: B/01549/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 12 June 2013
Description: Single storey extension to south east elevation

Reference: B/02893/11

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE

Decision: Approved

Decision Date: 15 July 2011

Description: Submission of details of Condition 41 (Environmental Standard-BREEAM) pursuant to planning permission B/02385/09 dated 17/03/10

3. Proposal

The application relates to installation of floodlights on the Multi Use Games Area.

4. Public Consultation

Consultation letters were sent to 218 neighbouring properties.

23 objections have been received as below;

-where the lighting would be sited is not clear

-It is not mentioned the operation of lighting hours

- The windows of two of 40 Hertford Road Barnet, bedrooms look towards the school playground, so an artificial light will disturb normal life.

- The flood light would have detrimental impact on the amenity of 2 Westbrook Square.

- Floodlights have remained on all night including weekends meaning we have light intrusion to the back of 20 Westbrook Crescent and into the conservation area within Hadley Woods.

- Neighbour of 28 Westbrook Crescent mentioned they do not want additional floodlights to be shining directly behind their living room at 10pm at night.

- The lights will be an intrusion to the privacy of neighbouring residents , and will therefore be a Nuisance

-Probable increase in noise from the Multi Use Games Area

- The Flood lights will be located far too near to public property whose gardens and back rooms will receive a lot of the light pollution.

- The school is near to Hadley Woods which is one of the last few wildlife refuges in North London and having ultra powerful lighting so close will inevitably effect this in some way.

- The increase in noise is getting unbearable, now to find out they are planning to use floodlit football pitches until 10pm we can hear the shouting during the day at the moment when we sit in our lounge and when its bad we have to close our windows !! the thought of floodlights and noise after school hours is totally unacceptable.

- The fact that the area is to be used late during the evenings, on weekends and bank holidays will mean that we will have no break away from the lights or noise level. Not only will this have a negative impact on our community, but it will have a detrimental effect on the wildlife that inhabit our local area.

- object to floodlights being used until 10pm. I think 7 pm is a reasonable cut off point. Surely if sports are to continue into later hours this can be facilitated indoors.

- Any lighting added at night will spoil the peace in the evenings when sport activity would potentially take place until 10pm. Lighting within school hours or until 6pm would be acceptable.

-Probable impact on Bats

- Curator of Monken Hadley Common objected and mentioned that, as the floodlights could be in use up to 10pm there is the potential for a significant increase in light pollution and noise and disturbance which could adversely affect the wellbeing of animals such as muntjac deer and bats that live in the woods.

5. Planning Considerations

Environmental Health-No Objection
Highways-No objection subject to Condition
Street Lighting-No objection subject to Condition

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7.
- Relevant Development Management Policies: DM01, DM02, DM04, DM15, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning)

(England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, Metropolitan Open Land and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on Highways
- Impact on Ecology

5.3 Assessment of proposals

Impact on the character of the area

Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements".

The proposal will enhance the existing arrangement and provide improvements in overall quality whilst meeting the demand for access to playing fields. The facility will not only be used by school, local community will also use the facility after school hours and on weekends.

The site falls within designated Metropolitan Open Land (MOL).

London Plan Policy G3 Metropolitan Open Land states that, Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:

- 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt
- 2) boroughs should work with partners to enhance the quality and range of uses of MOL.

The policy guidance of NPPF on Green Belts applies equally to Metropolitan Open Land (MOL). MOL has an important role to play as part of London's multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility. Such improvements are likely to help human health, biodiversity and quality of life. Development that involves the loss of MOL in return for the creation of new open space elsewhere will not be considered appropriate. Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact

on the openness of MOL. Green chains are important to London's open space network, recreation and biodiversity. They consist of footpaths and the open spaces that they link, which are accessible to the public. The open spaces and links within a Green Chain should be designated as MOL due to their London wide importance.

The proposed floodlights would be sited on the east and west side of the existing Multi Use Games Area not to the south near the residential dwellings. There would be 8 floodlights, which would be 18 m high. The applicant has submitted details which shows the location, height, specification of the proposed floodlights. The floodlights would facilitate the extended use of Multi Use Games Area both for the school and the local community.

Because of the slender structure, they will not appear as obtrusive structure along the periphery to the Multi Use Games Area. The proposal is considered to comply with policy DM15 and would not harm the openness of the MOL.

Though the proposal would be 18m height, the height is technically required to provide adequate lighting for the existing large Multi Use Games Area. This type of floodlight is typical to Multi Use Game Areas. It is noted that the Multi Use Games Area is enclosed by low height brick wall and high wire fence. It is separated by existing parking from the residential dwelling at south. To the east there is playing field of Livingstone Primary School and to the north lies the Monken Hadley Common/Hadley Woods. Therefore, the proposed floodlighting would not be directly visible from the residential area at south.

The proposal is not considered to have any detrimental on the character of the area.

Impact on the amenities of neighbours

The proposed flood lights would be sited sufficiently away from the nearest residential properties on Westbrook Square and Hertford Close which lie 50m south of the Multi Use Game Area. The distance is far enough to ensure that there will be no harm to the residential amenities. Furthermore the proposed flood lights would not be directly visible from the residential area at south as it would be separated by existing car park and access road at south.

To the east there is playing field of Livingstone Primary School and to the north lies the Monken Hadley Common/Hadley Woods and there is no residential area to north and east of the proposal. To the west lies the Jewish Community Secondary School building.

Councils Street Lighting was consulted on the proposal. The officer requested further detail on light levels, light angle, light spillage, mitigation measure for any unwanted light spill and glare for nearby residents, duration of the use. The officer suggested tilt angles to be introduced to achieve lighting on surface area.

The applicant subsequently provided further details, which show that there would be no overspilling into nearby properties. The officer further requested intrusive light calculations to nearby properties and tilt angles of lanterns.

The applicant provided further details. The officer assessed the details and informed that, cowling to be fitted on all lights and provided that tilt angles are kept as per design and lighting curfew to be introduced, it is not going to have any detrimental impact on any nearby residential amenity.

Whilst there may be an element of sky glow, it is considered to be acceptable subject to the hours of use being restricted by the suggested condition. Given the distance between the proposed lights and the houses and the calculated light spill outside the pitch area, the illumination proposed is not considered detrimental to the enjoyment of dwellings adjacent and thus residential amenity of neighbouring occupiers.

The officer is satisfied with the measures taken to mitigate for any detrimental impact on neighbouring residents. Conditions area attached for lighting levels and lighting curfew.

Overall, the proposed floodlighting is to enhance the facilities of an existing sports area which is a use defined as appropriate within the subject site without compromising residential amenity.

Neighbouring properties have voiced their concern regarding noise, disturbance and probable light spillage from the proposal. It should be noted that this is an existing site of Multi Use Games Area which is used from 7am - 7pm Monday to Friday and 8am - 6pm on Saturday and Sunday. The proposed extended hours till 9m on weekdays subject to condition is not considered to have significant detrimental impact on residential amenity.

Subject to attached conditions, the development is not considered to result in unacceptable levels of harm to the residential amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

5.4 Impact on Highways

The proposal does not include additional on-site parking. The parking will continue as existing 170 spaces in the existing car park
Councils Highway officer was consulted on the proposal. The officer inquired about change in proposed opening hours and additional users.

The facility is currently open from 7am - 7pm Monday to Friday and 8am - 6pm on Saturday and Sunday.

A condition is attached restricting the operation of floodlighting not be used after 9pm on Mondays to Fridays or after 6pm on Saturdays, Sundays and Bank and Public Holidays.

A condition is attached to restrict out of hours users to maximum 150 at changeover times who will use existing parking facility. It is acknowledged that there will be additional coming and goings from the site as a result of the football pitch, however it is not considered that the additional people will detrimentally impact the neighbouring properties given the existing uses of the site.

Highway officers requested S106 contribution of £5k towards travel plan monitoring. The applicant is informed regarding the S106 agreement for travel plan monitoring contribution.

The proposal is considered acceptable subject to S106 agreement and attached conditions.

5.4 Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

Councils Ecologist assessed the proposal and informed that, due to the location of the nearby SINCS - Monken Hadley Common and Pymmes Brook, a sensitive lighting plan would be required to mitigate any potential Impacts that could arise as a result of the construction and operation phases of the proposed development. Lighting can cause disturbance to commuting and foraging bats and potential abandonment of a roost due to lighting disturbance could constitute an offence both to a population and to individuals.

The National Planning Policy Framework 2019 makes reference to lighting with regard to the control of obtrusive light and states in section 180 c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

In addition, Barnet Local Plan Section 2.7.3 Proposals should seek to minimise any adverse impact of lighting schemes through design or technological solutions or by controlling the hours of use. Solutions may include lighting that controls the distribution of light and minimises glare. Design solutions could include screening, shielding, reducing lantern mounting heights and minimising glare and Policy DMO1: Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

The officer informed that, lighting strategy must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2018) advice is at <http://www.bats.org.uk/> and a lighting plan should be submitted to the council pre-determination. Lighting condition is attached to address this issue.

The submitted report states that 'the habitat available on site and the known roosts and the known roosts in the surrounding landscape indicates that the assemblage of bats using the site are of local importance'. Therefore, to determine whether the proposed floodlighting scheme could affect the bat assemblage a three -year post construction bat monitoring plan should be undertaken. A condition is attached to address this issue.

Due to the close proximity to Monken Hadley Common SINC, a Construction Environmental Management Plan (CEMP) is recommended to prevent adverse effects from the installation activities. A condition is attached to address this issue.

The proposal is considered to have acceptable impact on Ecology subject to attached conditions.

5.5 Response to Public Consultation

Addressed in the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location **10 Pennine Drive London NW2 1PB** AGENDA ITEM 8

Reference: **22/1027/FUL** Receive
d: 25th February 2022
Accepted: 7th March 2022
Ward: Cricklewood Expiry 2nd May 2022

Case Officer: **Anestis Skoupras**

Applicant: Mr Nawzad Karim

Proposal: Conversion of the existing dwelling into 2no self-contained flats, demolition of existing garage and creation of 2 parking spaces at the rear

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans:

- Dwg no.PJ102/10/004 (site location and block plan)
- Dwg no.PJ102/10/001 (existing elevations and floor plans)
- Dwg no.PJ102/10/002 REV A (proposed ground and 1st floor plans)
- Dwg no.PJ102/10/003 REV A (proposed loft floor and roof plans)
- Dwg no.PJ102/10/004 REV B (proposed site plan)
- Dwg no.PJ102/10/004 REV A (proposed front and side elevations)
- Dwg no.PJ102/10/005 (proposed side and rear elevations)
- Dwg no.PJ102/10/006 (proposed section)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 3 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 4 Prior to the first occupation of the development hereby approved it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policy S1.2 of the London Plan (2021).

- 5 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the

Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy S1.5 of the London Plan (2021).

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as submitted with the planning application and the access to the parking area from public highway shall be provided and maintained at all times. The parking space shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and

satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

9 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5, G6 and G7 of the London Plan 2021.

10 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be provided and enclosed in accordance with the details shown on dwg no. PJ102/10/004B (Site plan as proposed).

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted 2016).

Informative(s):

- 1 Informative: In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Informative: The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy. Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website. The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations. If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 Informative: The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process. The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the

Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 7 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 8 The applicant is advised that if the development is carried out, only low-level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 9 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208

359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 10 The applicant is advised that High Road (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 11 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to 10 Pennine Drive, a two-storey semi-detached dwelling located within the ward of Golders Green. Given its location on a corner plot, the application site borders both Cotswold Gardens and Pennine Drive. The locality is characterised by two storeys semidetached properties that do not significantly differ in character and appearance. The application site has a vehicular access at the rear which leads to a garage.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

2. Site History

Reference: 17/5702/FUL

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion of existing dwelling into 3no self-contained flats. Part single, part two storey side and rear extension. Roof extension involving rear dormer window, 2no. front and 1no side rooflights

Reference: 17/6009/192

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Lawful

Decision Date: 20 December 2017

Description: Roof extension involving hip to gable, rear dormer window, 2 no. rooflights to front elevation to facilitate a loft conversion

Reference: 18/3125/PNH

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Prior Approval Required and Refused

Decision Date: 5 June 2018

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres

Reference: 18/3902/PNH

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Prior Approval Not Required

Decision Date: 25 July 2018

Description: Single storey rear extension with a proposed depth of 5 metres, eaves height of 3 metres and maximum height of 3.2

Reference: 18/7375/HSE

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Refused

Decision Date: 11 February 2019

Description: First floor rear extension

Reference: 19/1524/HSE

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Approved with conditions

Decision Date: 10 May 2019

Description: First floor rear extension

Reference: 21/3729/192

Address: 10 Pennine Drive, London, NW2 1PB

Decision: Approved with conditions

Decision Date: 04 August 2021

Description: Single storey side extension

3. Proposal

Planning permission is sought for the proposed conversion of a single family dwelling house into two self-contained units as follows:

Flat 1 - ground floor (two bedroom - four person) - 80m². Includes 47m² of private outdoor amenity space concealed with a 1.8m high boundary treatment.

Flat 2 - duplex (two bedroom - four person) - 83.8m². Includes 62 m² of private outdoor amenity space and an outbuilding. It is concealed with a 1.8m high boundary treatment.

The proposal was amended during the course of the application with the latest amendments to seek permission for the conversion of the single family dwelling house from 3no. self-contained flats to 2 given that it was considered that 3no. of self-contained flats would significantly intensify the use of the existing dwelling and

residential area with subsequent impact upon on-street parking spaces. It was also considered that the existing 2no. of parking at the front of the application site was unauthorised and it was considered dangerous given its location adjacent a junction. As such, the parking spaces at the front have been removed and 2no. of parking spaces are now created to the rear. The outdoor amenity space has also been subject to amendments.

It is noted that several applications for flat conversions have been approved in the locality as following:

- 22/4096/FUL- 127 Pennine Drive NW2 1NJ
- 21/3094/FUL - 69 Pennine Drive NW2 1NR
- 20/4782/FUL - 2 Pennine Drive NW2 1PA
- 20/3776/FUL - 88 Pennine Drive NW2 1NP
- 19/3967/FUL - 127 Pennine Drive NW2 1NJ
- 18/2245/FUL - 142 Pennine Drive NW2 1NH
- 17/6808/FUL - 97 Pennine Drive NW2 1NN
- 17/5511/FUL - 84 Pennine Drive NW2 1NP
- 17/4337/FUL - 104 Pennine Drive NW2 1NP
- 17/3797/FUL - 1 Pennine Drive NW2 1NY
- 17/3427/FUL 101 Pennine Drive NW2 1NN

4. Public Consultation

Consultation letters were sent to 52 neighbouring properties. 11 representations were received for the initial proposal of 3no. self-contained flats and they are all objections - this is summarised below;

Objections

- o Principle of the development
- o Over development of the locality (from family to flats)
- o Impact on the character and appearance of the locality as a result of outbuilding at the rear, attached single storey side extension and loss of front garden spaces.
- o Impact upon on-street parking
- o Additional pressure on local amenity, i.e GP, school, public transport, etc.
- o Flat bedrooms do not meet the minimum bedroom space standard

The revised proposal of 2no. self-contained flats has been reconsulted with the public and relevant consultees on the 31st of Jan 2023 and no further comments were received.

4.1 Relevant Consultees

ouncil Highways officer: objected to the initial proposal of 3no. self-contained flats due to the location of the proposed front access adjacent a junction and as such, limited parking spaces is provided to support the application.

The revised proposal has been subject of re-consultation with the Councils highways engineer and they are satisfied that the parking spaces at the rear of the application

site and in addition to the on-street parking would be adequate to accommodate the proposed flats.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was amended on July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of development
- Whether harm would be caused to the character and appearance of the locality
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal provides satisfactory living accommodation for future occupiers
- Highways safety and Parking
- Other matters

5.3 Assessment of proposals

The principle of development

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the

provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Council's Development Management Policies, which is a material consideration in the determination of this application, the Council states the following: "The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

The initial proposal was for 3no. of self-contained flats, however, it has now been revised to 2no. of self-contained flats given it was considered that 3no of self-contained flats would significantly intensify the use of the existing dwelling and residential area with subsequent impact upon on-street parking spaces. The principle of conversion to 2no. of self-contained flats are well established within the locality (Pennine Drive) and as such the proposal would not appear out of character within its context.

Furthermore, it is not considered that the proposed conversion and use would harm the residential character of the area or significantly intensify the use of the existing dwelling beyond and above the existing use. The Council's highways engineer has also been consulted in this context and they are satisfied the proposal would not result in harm to the existing parking situation.

On the basis of the above, the proposed conversion and use would be suitable on this application site and the principle of one additional conversion in this location is therefore considered acceptable. Site specific impact and material considerations are addressed further below.

Whether harm would be caused to the character and appearance of the locality

There are no alterations proposed to the existing external appearance of the dwelling and as such, it is not considered that harm would be identified to the character and appearance of the locality as a result of the proposed conversion. It is considered that refuse and cycle storage can be accommodated on site without appearing overly cluttered and harmful to the appearance of the property.

Whether the development would result in impact upon residential amenity of neighbouring occupiers

No objections have been received from neighbouring properties/interested parties in the context of specific amenity impacts and it is not considered that the proposal would result in significant harm beyond and above the current situation. The proposal would not result in any overlooking or overbearing impact given the proposal is a conversion with no proposed works to the existing building.

Additionally, the conversion of the property into two self-contained flats is not considered to result in any significant increase in footfall that would give rise to unacceptable noise disturbance to the detriment of the amenities of neighbouring properties to an unacceptable level.

Whether the proposal provides satisfactory living accommodation for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Bedroom sizes:

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

Both bedrooms in flat 1 would measure around 15m² and 18.6m² respectively per the floor plans provided.

Both bedrooms in flat 2 would measure around 15.5m² and 20m² respectively per the floor plans provided.

On this basis, it is considered that the proposed units meet the above standards.

Floor Area:

The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 2 bed, 4 person: 70m² (1-storey)
- 2 bed, 4 person: 79m² (duplex)

Flat 1 would measure around 80m² per the floor plans provided.

Flat 2 would measure around 83.8m² per the floor plans provided.

As such, both units would meet and exceed the minimum GIA requirement. Additionally, the proposed ceiling height provided for the flats is adequate.

Light/Outlook:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

Adequate numbers and size of fenestrations are provided for the flats, and it is considered the units would benefit from an acceptable level of light and outlook.

Room Stacking:

Although the bedrooms do not stack above one another, it is considered that the bedrooms and GIA proposed meet and exceed the minimum requirement and as such, it would outweigh the harm as a result of the room not stacking. Furthermore, sound insulation between units would be incorporated into the scheme, and this should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). A condition would be attached to the decision in the instance permission is granted.

Outdoor space:

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy,

outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

The property as existing has an outdoor amenity space at the rear of the site. Flat 1 would have access to a private amenity space measuring at 47m² and flat 2 would have access to its own private amenity space measuring at 62m². As such, adequate amenity space is provided for both flats and they would not be subject of being overlooked. Therefore, the outdoor amenity spaces provided accords with Table 2.3 within the Sustainable Design and Construction SPD

Whether the development would result in impact on highways safety and parking

The proposal has been subject of consultation with the Council's highways engineer and they objected to the initial proposal of 3no.self-contained flats due to the location of the proposed front access adjacent a junction and limited parking spaces provided to support the application.

However, following the submission of the revised proposal, the Council's highways engineer has been reconsulted and they are satisfied that the parking spaces at the rear of the application site and in addition to the on-street parking would be adequate to accommodate the proposed flats. As such, no objection is raised in this context.

Furthermore, the Council's highways engineer noted that there are 2 bus routes that can be accessed from Pennine Drive and is 2 minutes walking distance from Hendon Way (A41) which is one of the major road networks of Transport for London. Brent Cross station which is the closest station to the site is 16 minutes (1.3km) walking distance from the site.

Other Matters

The property includes the location of the bin store for two self-contained units. The applicant has provided details of the location of the structure which is considered to be suitable and in accordance with the Council's approach. Further details of enclosures can be secured by condition.

In the context of the cycle storage, four cycle spaces are required as per the Council's highways engineer comments, however, only two cycle spaces are provided. It is however, suggested by the Council's highways engineer that a condition can be attached in the instance permission is granted to secure the appropriate numbers of cycle spaces.

6. Response to Public Consultation

All material considerations have been addressed within the main body of this report.

7. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

8. Conclusion

The proposal at 10 Pennine Drive within the ward of Golders Green is considered to be acceptable in principle. In addition, in the context of material, design and location, the proposal is not considered to impact the character and appearance of the locality, nor would it impact the amenity of neighbouring properties or future occupiers of the proposed flats. Additionally, no harm is identified to highways/parking and adequate refuse storage is provided for the flats. Similarly, a condition can be attached in the instance permission is granted to secure the appropriate numbers of cycle spaces. On this basis, this application is therefore recommended for an approval, subject to conditions.



SITE LOCATION scale 1:1250



Location **34 Ravenscroft Avenue London NW11 8AU**

Reference: **22/3812/FUL** Received: 22nd July 2022
Accepted: 22nd July 2022

Ward: Childs Hill Expiry 16th September 2022

AGENDA ITEM 9

Case Officer: **Emily Bell**

Applicant: Jalojar Ltd

Proposal: Part single, part two storey rear extension and associated rebuilding of roof to include 1no.rear dormer window and 1no side dormer window and rooflights. Formation of basement with associated side and rear lightwells. New front porch. Provision of off street parking and cycle storage. Conversion of the property to 4no. self-contained flats.

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

34RA-A-01-001 REV 3
34RA-A-01-002 REV 3
34RA-A-07-001 REV 3
34RA-A-07-002 REV 3
34RA-A-07-004 REV 3
34RA-A-08-001 REV 3
34RA-A-08-002 REV 3
34RA-A-08-003 REV 3

34RA-A-08—04 REV 3
34RA-A-09-001 REV 3
34RA-A-090-002 REV 3

Transport Technical Note July 2022 Parking Stress Study prepared on behalf of BY Developments Ltd

34RA-A-02-001
34RA-A-02-002
34RA-A-04-001
34RA-A-04-002
34RA-A-05-001
34RA-A-06-001
34RA-A-06-002

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated

with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

9 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 12 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no. 34RA-A-01-002 Rev. 3, submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 Before the building hereby permitted is first occupied the proposed dormer window in the second floor elevation facing 36 Ravenscroft Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the

works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 8 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 9 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing

by the Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 34 Ravenscroft Avenue, NW11 8AU, consisting of a two storey detached dwellinghouse with accommodation in the roofspace. The area surrounding the site is mainly residential consisting of detached and semi-detached properties. The application property is located on the corner plot of the junction between Ravenscroft Avenue and Wentworth Road. The site is located within the Golders Green ward.

The site is not located within a conservation area and is not a listed building.

2. Site History

Reference: F/00187/13

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Approved subject to conditions

Decision Date: 12 March 2013

Description: Demolition of link between existing garage and main house and construction of a part single and part two storey extension with main hipped roof adjustment. Roof extension including 3no. dormer windows and 5no. rooflights to facilitate loft conversion and associated refurbishment works.

Reference: 19/0038/FUL

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Approved subject to conditions

Decision Date: 16 July 2019

Description: Conversion of existing dwelling into 2no dwellinghouses. Single storey rear extension following demolition of existing garage. Extension to roof including 1no dormer to side roofslope, 1no dormer to adjacent side roofslope and alterations to existing rear dormer and removal of 1no rooflight to front roofslope. External alterations including reinstating of front entrance door and alterations to fenestration. Associated landscape works including installation of brick fencing. Associated amenity space, parking, refuse/recycle store, and cycle store

Reference: 19/5381/192

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Lawful

Decision Date: 22 October 2019

Description: Roof extension involving side and rear dormer window, addition of 2no front facing rooflights

Reference: 21/2616/HSE

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Approved subject to conditions

Decision Date: 11 August 2021

Description: Part single, part two storey rear extension following demolition of the existing storage unit/garage. New front porch

Reference: 21/4991/HSE

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Approved subject to conditions

Decision Date: 16 November 2021

Description: Part single, part two storey rear extension following demolition of the existing storage unit/garage, associated alterations to roof including removal of 1no.rear dormer window and insertion of 1no. rear rooflight. New front porch. Formation of basement with associated side and rear lightwells

Reference: 22/1047/FUL

Address: 34 Ravenscroft Avenue, London, NW11 8AU

Decision: Approved subject to conditions

Decision Date: 9 August 2022

Description: Redevelopment of existing site into 2no single family dwelling houses. Part single, part two storey rear extension and associated rebuilding of roof to include 1no.rear dormer window and 1no side dormer window and rooflights. Formation of basement with associated side and rear lightwells. New front porch. Provision of off street parking and cycle storage (AMENDED DESCRIPTION AND DRAWINGS)(THIRD CONSULTATION FOR REPOSITIONED OFF-STREET CAR PARKING SPACES).

3. Proposal

Part single, part two storey rear extension and associated rebuilding of roof to include 1no.rear dormer window and 1no side dormer window and rooflights.

Formation of basement with associated side and rear lightwells.

New front porch.

Provision of off street parking and cycle storage.

Conversion of the property to 4no. self-contained flats.

4. Public Consultation

Consultation letters were sent to 47 neighbouring properties. 10 letters of objection have been received, summarised below:

- o Parking provision inadequate
- o Safety of driving on site junction of Ravenscroft Avenue and Wentworth Road
- o Intensification of the site
- o Wentworth Road/Templars Avenue 'estate' consists primarily of family homes
- o Excessive number of refuse bins would be unsightly
- o Adequate bin storage not provided
- o Garage is impractical and will not be used for parking which will increase street parking
- o Increased noise and disturbance from a change of use to four flats
- o Overbearing on the street scene

Following the receipt of amended plans, neighbours were re-consulted. No further comments received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

D12 - Fire safety

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

- States that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Provision of adequate accommodation for future occupiers
- Highways and Parking
- Refuse and Recycling

5.3 Assessment of proposals

Principle of Development

The site benefits from an extant consent (ref: 21/4991/HSE) for a part single, part two storey rear extension following demolition of the existing storage unit/garage, associated alterations to roof including removal of 1no.rear dormer window and insertion of 1no. rear rooflight. New front porch. Formation of basement with associated side and rear lightwells. The current proposal largely maintains the general composition, external appearance, building line and scale of the previously approved scheme, however, the principal change in the current proposal is the proposed use of the building as 4no self-contained flats.

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not

normally be considered appropriate.

Ravenscroft Avenue is mixed in character and there are a number of purpose built blocks of flats along the road, including Ravenscroft Court and Berkley Court. A number of the other properties along Ravenscroft Avenue have also been converted into or have gained permission for conversion into flats, including nos. 35, 37, 40, 48, 54. On this basis, the principle of flats in this location is, on balance, considered acceptable.

Barnet's Local Plan (Development Management Policies) states that Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. The 4 proposed units replacing a single-family dwelling will contribute to increased housing provision and make a positive contribution to the mix of dwelling types in Barnet.

The principle of the proposed development is considered to be acceptable subject to other material planning considerations as set out below.

Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The site benefits from extant consents (ref: 21/4991/HSE and 22/1047/FUL) for a part single, part two storey rear extension following demolition of the existing storage unit/garage, associated alterations to roof including removal of 1no.rear dormer window and insertion of 1no. rear rooflight. New front porch. Formation of basement with associated side and rear lightwells. The proposed building is largely the same as the extant permission and it was previously found that in terms of the ratio of built development to the plot size, the proposal does not result in an overdevelopment of the site.

The current proposal also includes a dormer window to the side elevation fronting Wentworth Road, measuring approx. 1.8 metres in width, 1.5 metres in height and 1.7 metres in depth. This dormer would appear as a subordinate addition, resulting in an acceptable impact to the character and appearance of the host building and the wider street scene.

The principal changes to the external appearance of the proposed building as compared to the extant consents would be the increased number of parking spaces and stores associated with the increased number of households and the subdivision of the rear garden. Given that front hardstandings are common along this stretch of Ravenscroft Avenue, it is not considered that the additional parking spaces would be detrimental to the character of the wider area. The subdivision of the rear garden would be required to provide suitable outdoor amenity space for the flats and on balance, this is considered to be acceptable.

Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

With regards to the extensions the delegated report under 21/4991/HSE notes the following:

"The proposed single storey rear extension is considered to fall within the limits of the council guidance in respect of depth and height respectively above natural ground level in the case of a detached property. The proposed first floor extension would be located over 5 metres from the common boundary with no. 36 Ravenscroft Avenue. This distance is considered sufficient to ensure that there will be no harmful impact to the amenities of these neighbouring occupiers with regards to loss of light and outlook.

A rear garden depth of approximately 14.5 metres will be retained. There is considered to be an acceptable impact on the amenities of the neighbouring occupiers to the rear at no. 69 Wentworth Road."

Due to the sitting of the basement, the basement and associated lightwells are not considered to have a negative impact on amenity of adjoining properties.

There is an additional dormer window proposed within the side elevation facing onto Wentworth Road which would serve a bedroom of Unit 3. Due to the location of the host site on the corner of Ravenscroft Avenue and Wentworth Road, the adjacent property at no. 32 Ravenscroft Avenue is sited a sufficient distance away and as such there are no concerns regarding loss of privacy.

A new access on the flank wall on Wentworth Road would serve Unit 01 whilst the existing access on Ravenscroft Avenue would serve Units 02, 03 and 04. Relative to the pre-existing property, the cumulative level of occupancy across the site would be increased by 8no. persons. This increase in the current application accounts for three additional persons relative to the previously approved subdivision scheme under ref 22/1047/FUL. However, this increase is not considered to be a deleterious increase in occupancy and given the detached nature of the application property, the conversion is considered unlikely to cause demonstrable harm towards neighbouring occupiers by way of comings and goings, noise and disturbance or result in an intensity of use that would be harmful to the neighbouring occupiers and therefore acceptable in this regard.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

- Unit 1: 2 bed, 4 person unit over 2 storeys with GIA of 149sqm
- Unit 2: 2 bed, 4 person unit over 2 storeys with GIA of 156sqm
- Unit 3: 3 bed, 5 person unit over 2 storeys with GIA of 96sqm
- Unit 4: 3 bed, 4 person unit over 2 storeys with GIA of 83sqm

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 3 bed, 4 person unit over

2 storeys requires 79 sqm, a 3 bed, 5 person unit over 2 storeys requires 93sqm and a 2 bed, 4 person unit over 2 storeys requires 84sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units would meet the minimum internal space standards as per the Sustainable Design and Construction SPD.

All new dwellings are expected to be dual-aspect and benefit from adequate levels of light and outlook. All proposed units would be dual aspect and are considered acceptable in this regard. It is acknowledged that Units 1 and 2 across the basement and ground floor would include a bedroom within the basement level with 1no rear lightwell providing light to the room. The internal layout has been amended throughout the lifetime of the application to include the relocation of the basement level bedroom to the rear in order to benefit from the larger rear lightwell design to the rear garden. The size and positioning of the rear lightwell is such that this is considered sufficient in this case.

With regards to outdoor amenity space, all units are expected to benefit from outdoor amenity space. The Sustainable Design and Construction SPD states that a minimum of 5sqm should be provided per habitable room.

Units 1 and 2 on the ground and basement floors are provided with their own private amenity space to the rear measuring 45 and 47 sqm respectively. A further communal amenity area to the rear is provided measuring 78sqm. The amenity space provision is considered acceptable.

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered that with adequate sound insulation that the occupiers of 4 no. proposed flats would not suffer a material loss of amenity as a result of noise and disturbance.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Highways and parking

The site lies within PTAL 3 zone, which means that there is good public transport accessibility to and from the site. In line with requirements set out in Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 5 spaces. This means that the proposed provision of 4x spaces is an under-provision of 1 space.

The applicant has provided the results of an on-street Car Parking Survey carried out on Thursday 10th and Friday 11th of February 2022. The results demonstrate that there is

currently an average of 66% existing on-street car parking stress. Therefore, the potential overspill is not expected to have a significantly detrimental impact on the surrounding public highway and highways officers raise no objection to the proposal on highways grounds.

The proposed refuse storage location is within 10m of the public footway at ground floor level and is therefore acceptable on highways grounds.

The applicant is proposing to make provision for 8x cycle parking spaces. Cycle parking needs to be provided in accordance with the requirement of the London Plan and details of storage will be secured by way of a condition.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the proposed scheme should be designed to achieve CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (2021).

5.4 Response to Public Consultation

- o Parking provision inadequate
- o Safety of driving on site junction of Ravenscroft Avenue and Wentworth Road
- o Garage is impractical and will not be used for parking which will increase street parking

The plans have been amended from those originally received to include an increase to 4 spaces across the site. Further, the applicant has submitted a parking survey to demonstrate that there is capacity on street. The vehicular access to the side elevation onto Wentworth Road is proposed to be retained. Highways officers have reviewed the submitted details and raised no objections. No garage is proposed. The existing will be demolished.

- o Intensification of the site
- o Wentworth Road/Templars Avenue 'estate' consists primarily of family homes
- o Increased noise and disturbance from a change of use to four flats

As detailed within the main body of the report, Ravenscroft Avenue is mixed in character and there are a number of purpose built blocks of flats along the road, including Ravenscroft Court and Berkley Court. A number of the other properties along Ravenscroft Avenue have also been converted into or have gained permission for conversion into flats. The site has previously gained permission for conversion into 2no dwelling houses and the proposed development would result in an increased occupancy from this of 3 persons. This increase is not considered to cause harm and disturbance to occupiers which would warrant refusal of the application, as discussed above.

- o Excessive number of refuse bins would be unsightly
- o Adequate bin storage not provided

Refuse stores are indicated to the front hardstanding. Further details including bin provision, store and point of collection will be secured by way of a condition.

- o Overbearing on the street scene

The proposed replacement building is largely the same as the extant permissions on site and it was previously found that in terms of the ratio of built development to the plot size, the proposal does not result in an overdevelopment of the site.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed development is considered acceptable and therefore recommended for APPROVAL.

